

AMENDED IN SENATE APRIL 24, 2007

AMENDED IN SENATE APRIL 17, 2007

AMENDED IN SENATE MARCH 27, 2007

**SENATE BILL**

**No. 866**

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**Introduced by Senator Runner**

February 23, 2007

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An act relating to sexually violent predators, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 866, as amended, Runner. Mental health: sexually violent predators.

Existing law requires, prior to release from the custody of the Department of Corrections and Rehabilitation of a person who has been convicted of certain crimes of a sexual nature, the director to refer that person to the State Department of Mental Health for evaluation if the director determines that person may be a sexually violent predator.

Under existing law, if the evaluation by the State Department of Mental Health determines that the person is a sexually violent predator, the department is required to forward a request for the filing of a petition to the counsel designated by the county in which the person was convicted. The law authorizes civil commitment of the person to the State Department of Mental Health as a sexually violent predator, for treatment in a secure facility, if the person is adjudicated to be likely to engage in sexually violent criminal behavior if discharged.

~~Existing law, pursuant to an initiative measure, provides that these provisions may not be amended by the Legislature, except by a  $\frac{2}{3}$ -vote~~

~~bill, or by a majority vote bill to expand the scope of its application or to increase the punishment or penalties.~~

This bill would appropriate \$12,532,000 *from the General Fund* to the State Department of Mental Health for support of this program *during the 2006–07 fiscal year* pursuant to a prescribed schedule.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The sum of twelve million five hundred thirty-two  
2 thousand dollars (\$12,532,000) is hereby appropriated from the  
3 General Fund to the State Department of Mental Health for support  
4 of the Sexually Violent Predator program, provided for pursuant  
5 to Article 4 (commencing with Section 6600) of Chapter 2 of Part  
6 2 of Division 6 of the Welfare and Institution Code, as follows:

7 (a) The sum of twelve million one hundred eighteen thousand  
8 dollars (\$12,118,000) to fund the increased number of Sexually  
9 violent predator screenings, initial evaluations, and expert court  
10 testimony.

11 (b) The sum of four hundred fourteen thousand dollars  
12 (\$414,000) for administrative support, including the provision of  
13 hospital police officers to ensure public safety.

14 (c) *Funds appropriated pursuant to this section that are not*  
15 *expended by June 30, 2007, shall revert to the General Fund.*

16 SEC. 2. This act is an urgency statute necessary for the  
17 immediate preservation of the public peace, health, or safety within  
18 the meaning of Article IV of the Constitution and shall go into  
19 immediate effect. The facts constituting the necessity are:

20 In order to protect the health and safety of the people of  
21 California, it is necessary that this act take effect immediately.